

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ERIC REINERT, et al,
Plaintiffs**

vs.

**NATIONWIDE INSURANCE CO.,
Defendant**

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CIVIL ACTION

NO. 12-1094

ORDER

AND NOW, this 1st day of April, 2013, upon careful consideration of the cross motions for partial summary judgment (Documents #10 and #15), and the responses thereto, and after a hearing on the motions, IT IS HEREBY ORDERED that:

1. The defendant's motion (Document #15) is GRANTED.
2. The plaintiffs' motion (Document #10) is DENIED.
3. Pennsylvania substantive tort law, as in effect as of August 21, 2010, applies for purposes of determining damages which the plaintiffs are entitled to recover in this contract claim under the Nationwide policy.
4. Under Pennsylvania law, the plaintiffs are precluded from submitting evidence of medical bills that have already been satisfied by the payment by Nationwide under the plaintiffs' first party coverage.
5. Under Pennsylvania law, the plaintiffs are precluded from submitting evidence of lost wages or income, to the extent the plaintiffs have already been paid by Nationwide under the plaintiffs' first party coverage.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.